

BEFORE THE DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation
Against:

IRVING ORLIN, M.D.
Certificate No. G-22065,

Respondent.

NO. D-3002

DECISION

The attached Stipulation is hereby adopted by the Division
of Medical Quality of the Board of Medical Quality Assurance as its
Decision in the above-entitled matter.

This Decision shall become effective on December 23, 1983.

IT IS SO ORDERED November 23, 1983.

DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE


MILLER MEDEARIS
Secretary-Treasurer

1 JOHN K. VAN DE KAMP, Attorney General
of the State of California
2 NANCY K. CHIU,
Deputy Attorney General
3 3580 Wilshire Boulevard
Los Angeles, California 90010
4 Telephone: (213) 736-2000

5 Attorneys for Complainant
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8 BEFORE THE
DIVISION OF MEDICAL QUALITY
9 BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation) NO. D-3002
Against:)
12) STIPULATION, DECISION
IRVING ORLIN) AND ORDER
13 279 North Euclid Avenue)
Pasadena, California 91101)
14 Physician's & Surgeon's)
Certificate No. G22065)
15)
Respondent.)
16)

17 IT IS HEREBY STIPULATED AND AGREED by and between
18 Mark Levin, Esquire, as attorney for respondent Irving Orlin,
19 M.D., and Nancy K. Chiu, deputy attorney general, as attorney for
20 complainant Stephen R. Wilford, that the following facts are true:

21 1. Complainant Stephen R. Wilford is the acting
22 executive director and successor in interest to Robert G.
23 Rowland, former executive director, of the Board of Medical
24 Quality Assurance of the State of California (hereinafter
25 "board"), and each acted in this matter in case number D-3002 in
26 his official capacity only.

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2. On or about March 14, 1972, the board issued physician's and surgeon's certificate number G22065 to respondent Irving Orlin, M.D., (hereinafter "respondent") to practice medicine in the State of California. At all times relevant herein, said certificate has been and now is in full force and effect.

3. On or about January 7, 1983, an accusation in case number D-3002 was filed against respondent, a copy of which is attached as exhibit A. Said accusation was duly served on respondent. Respondent then filed a timely notice of defense.

4. Respondent has retained Mark Levin, Esq., as his attorney in this case and has counseled with said attorney concerning the effects of this stipulation.

5. Respondent understands the nature of the charges alleged in said accusation as constituting causes for imposing discipline upon respondent. Respondent is fully aware of his right to a hearing on the charges and allegations contained in said accusation, his right to a reconsideration, appeal and any and all other rights which may be accorded him pursuant to the California Administrative Procedure Act and that he hereby freely and voluntarily waives his right to a hearing, reconsideration, appeal and any and all other rights which may be accorded him by the California Administrative Procedure Act with regard to said accusation.

6. Respondent admits the truth of the factual allegations in the accusation, as follows:

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1 A. In September and October 1981, respondent
2 prescribed Preludin and Quaalude to various individuals
3 outside the usual course of professional practice and not
4 for a legitimate medical purpose, as follows:

	<u>Date on Rx</u>	<u>Drug</u>	<u>"Patient"</u>
5			
6	(1) 9/24/81	Preludin	J [REDACTED] Q [REDACTED]
7	(2) 9/25/81	"	J [REDACTED] Q [REDACTED]
8	(3) 9/29/81	"	P [REDACTED] R [REDACTED]
9	(4) 9/29/81	"	J [REDACTED] E [REDACTED]
10	(5) 10/9/81	"	D [REDACTED] S [REDACTED]
11	(6) 10/9/81	"	D [REDACTED] P [REDACTED]
12	(7) 10/16/81	Quaalude	S [REDACTED] D [REDACTED]
13	(8) 10/22/81	Preludin	S [REDACTED] J [REDACTED]
14	(9) 10/22/81	"	M [REDACTED] K [REDACTED]
15	(10) 10/22/81	"	K [REDACTED] B [REDACTED]
16	(11) 10/22/81	"	J [REDACTED] M [REDACTED]
17	(12) 10/22/81	"	N [REDACTED] S [REDACTED]

18 B. As a result of respondent's prescribing
19 practice above, respondent was indicted on eleven
20 counts of violating 21 U.S.C section 841(a)(1)
21 (distribution of controlled substance). On or
22 about September 8, 1982, respondent pled guilty
23 to and was convicted of violating two counts of
24 21 U.S.C. section 841(a)(1), in the United States
25 District Court for the Central District of
26 California in the case entitled "United States of
27 America v. Irving Orlin," case number CR 82-245.

1 As a result of said conviction, respondent's sentence
2 included the following:

3 (1) Imprisonment for one year on
4 one count;

5 (2) Imprisonment for five years on the
6 second count, however, execution of this
7 sentence was stayed and respondent was
8 placed on probation for five years on
9 general terms and conditions of probation
10 and ordered to perform not less than 150
11 hours of community service for each year of
12 probation; and

13 (3) Special parole of 10 years.

14 7. Based on the foregoing admissions of fact,
15 respondent is subject to disciplinary action pursuant to section
16 2234 of the Business and Professions Code in having been guilty
17 of unprofessional conduct within the meaning of sections 2234,
18 subdivision (e), 2236, subdivision (a), 2237, subdivision (a),
19 2238, 2242, subdivision (a) and 725 of the Business and
20 Professions Code.

21 8. The admissions, stipulations, and agreements made
22 herein are for the sole and exclusive purpose of resolving the
23 above captioned matter.

24 WHEREFORE, it is stipulated and agreed that the Division
25 of Medical Quality of the board (hereinafter "division") may
26 impose the following discipline on respondent:

27 Physician's and surgeon's certificate number G22065
28 heretofore issued to respondent Irving Orlin, M.D., is hereby

1 revoked; however, said revocation is stayed and respondent is
2 placed on probation for seven (7) years upon the following terms
3 and conditions:

4 1. Actual Suspension.

5 As part of probation, respondent is suspended from
6 the practice of medicine for 120 days beginning on the effective
7 date of this decision.

8 2. Psychiatric Evaluation.

9 Within 30 days of the effective date of this decision,
10 and on a periodic basis thereafter as may be required by the
11 Division or its designee, respondent shall undergo a psychiatric
12 evaluation by a Division-appointed psychiatrist who shall furnish
13 a psychiatric report to the Division or its designee.

14 If respondent is required by the Division or its
15 designee to undergo psychiatric treatment, respondent shall
16 within 30 days of the notice of said requirement, submit to the
17 Division for its prior approval the name and qualifications of a
18 psychiatrist of respondent's choice. Upon approval of the
19 treating psychiatrist, respondent shall undergo and continue
20 psychiatric treatment until further notice from the Division.
21 Respondent shall have the treating psychiatrist submit quarterly
22 status reports to the Division.

23 Respondent shall not engage in the practice of medicine
24 until notified by the Division of its determination that
25 respondent is mentally fit to practice safely.

26 3. Oral Clinical Examination.

27 Within 60 days of the effective date of this decision,
28 respondent shall take and pass an oral clinical examination in

1 prescribing drugs used in general medical practice to be
2 administered by the Division or its designee. Said examination
3 shall not be an examination in general medicine and may include
4 prescribing drugs used in urology. If respondent fails this
5 examination, respondent must wait three months between
6 re-examinations, except that after three failures respondent must
7 wait one year to take each necessary re-examination thereafter.
8 The Division shall pay the cost of the first examination and
9 respondent shall pay the costs of any subsequent examinations.

10 Respondent shall not practice medicine until respondent
11 has passed this examination and has been so notified by the
12 Division in writing.

13 4. Controlled Drugs - Partial Restriction.

14 Respondent shall not prescribe, administer, dispense,
15 order, or possess any controlled substances as defined by the
16 California Uniform Controlled Substances Act, except for those
17 drugs listed in Schedules III, IV and V of the Act.

18 Respondent shall immediately surrender respondent's
19 current DEA permit to the Drug Enforcement Administration for
20 cancellation and reapply for a new DEA permit limited to those
21 Schedules authorized by this order.

22 Orders forbidding respondent from personal use or
23 possession of controlled substances or dangerous drugs do not
24 apply to medications lawfully prescribed to respondent for a bona
25 fide illness or condition by another practitioner.

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1 5. Education Course.

2 Within 90 days of the effective date of this decision,
3 and on an annual basis thereafter, respondent shall submit to the
4 Division for its prior approval an educational program or courses
5 related to pharmacology and medical therapeutics with emphasis on
6 controlled substances, which shall not be less than 40 hours per
7 year. The 40 hours shall be in addition to the Continuing
8 Medical Education requirements for re-licensure. Following the
9 completion of each course, the Division or its designee may
10 administer an examination to test respondent's knowledge of the
11 course.

12 6. Quarterly Reports.

13 Respondent shall submit quarterly declarations under
14 penalty of perjury on forms provided by the Division, stating
15 whether there has been compliance with all the conditions of
16 probation.

17 7. Surveillance Program.

18 Respondent shall comply with the Division's probation
19 surveillance program.

20 8. Interview with Medical Consultant.

21 Respondent shall appear in person for interviews
22 with the Division's medical consultant upon request at various
23 intervals and with reasonable notice.

24 9. Obey All Laws.

25 Respondent shall obey all federal, state and local laws,
26 and all rules governing the practice of medicine in California.

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10. Tolling for Out-of-State Practice or Residence.

In the event respondent should leave California to reside or to practice outside the state, respondent must notify the Division in writing of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period.

11. Completion of Probation.

Upon successful completion of probation, respondent's certificate will be fully restored.

12. Violation of Probation.

If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an accusation or petition to revoke probation is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

JOHN K. VAN DE KAMP, Attorney General
NANCY K. CHIU,
Deputy Attorney General

DATED: 9-19-83.

By Nancy K. Chiu
NANCY K. CHIU
Deputy Attorney General
Attorneys for Complainant

DATED: 9-19-83.

Mark Levin
MARK LEVIN, ESQ.
Attorney for Respondent

1 I have read and discussed the above stipulation with my
2 counsel Mark Levin. I fully understand the terms of the
3 above stipulation and hereby freely consent to and accept said
4 stipulation including the waiver of any right to a hearing and the
5 admissions made herein. I understand that if the Division of
6 Medical Quality disapproves of or non adopts this stipulation as
7 its decision, this stipulation shall be null and void.

8 DATED: Sept 19, 1983


IRVING ORLIN, M.D.
Respondent

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11 DECISION AND ORDER

12 The above stipulation is adopted as the decision of the
13 Division of Medical Quality of the Board of Medical Quality
14 Assurance.

15 This decision shall be effective on the _____ day of
16 _____, 1983.

17 IT IS SO ORDERED this _____ day of _____,
18 1983.

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21 Division of Medical Quality
22 Board of Medical Quality Assurance

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26 03573110-
27 LA82AD1478

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2 NANCY K. CHIU,
3 Deputy Attorney General
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8 Attorneys for Complainant
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BEFORE THE
DIVISION OF MEDICAL QUALITY
BOARD OF MEDICAL QUALITY ASSURANCE
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation) NO. D-3002
12 Against:)
13 IRVING ORLIN)
14 279 North Euclid Avenue)
15 Pasadena, California 91101)
16 Physician's and Surgeon's Certificate)
17 No. G22065)
18 Respondent.)
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17 COMES NOW, Robert G. Rowland complainant herein,
18 who alleges as follows:

19 1. Complainant Robert G. Rowland is the executive
20 director of the Board of Medical Quality Assurance of the
21 State of California (hereinafter "board") and makes and
22 files this accusation in his official capacity only.

23 2. On or about March 14, 1972, the board issued
24 physician's and surgeon's certificate number G22065 to
25 respondent Irving Orlin, M.D. (hereinafter "respondent") to
26 practice medicine in the State of California. At all times
27 relevant herein, said certificate has been and now is in

1 full force and effect.

2 3. Section 2004 of the Business and Professions Code
3 (hereinafter the "code") provides, in part, that the
4 Division of Medical Quality of the board (hereinafter
5 "division") shall have responsibility for the administration
6 and hearing of disciplinary actions; and carrying out of
7 disciplinary actions appropriate to findings made by itself,
8 a medical quality review committee or a hearing officer.

9 4. Section 2234 of the code provides that the division
10 shall take action against any holder of a certificate who is
11 guilty of unprofessional conduct. Subdivision (e), of said
12 section provides that unprofessional conduct includes the
13 commission of any act involving dishonesty or corruption which is
14 substantially related to the qualifications, functions, or duties
15 of a physician and surgeon.

16 5. Section 2236, subdivision (a), of the code provides,
17 in part, that the conviction of any offense substantially related
18 to the qualifications, functions, or duties of a physician and
19 surgeon constitutes unprofessional conduct.

20 6. Section 2237, subdivision (a), of the code provides,
21 in part, that the conviction of a charge of violating any federal
22 statutes or regulations or any statute or regulation of this
23 state, regulating narcotics, dangerous drugs, or controlled
24 substances, constitutes unprofessional conduct.

25 7. Section 2238 of the code provides that a violation of
26 any federal statute or federal regulation or any of the statutes
27 or regulations of this state regulating narcotics, dangerous

1 drugs, or controlled substances, constitutes unprofessional
2 conduct.

3 8. Section 2242, subdivision (a), of the code provides
4 that prescribing, dispensing, or furnishing dangerous drugs as
5 defined in section 4211 of the code without a good faith prior
6 examination and medical indication therefor, constitutes
7 unprofessional conduct.

8 9. Section 725 of the code provides, in part, that
9 repeated acts of clearly excessive prescribing or
10 administering of drugs or treatment as determined by the standard
11 of local community of licensees is unprofessional conduct for a
12 physician and surgeon.

13 10. Preludin is a trade name for phenmetrazine
14 hydrochloride, which is classified as a federal schedule II
15 controlled substance and a dangerous drug within the meaning
16 of section 4211, subdivision (a), of the code.

17 11. Quaalude is a brand name for methaqualone,
18 which is classified as a federal schedule II controlled
19 substance and a dangerous drug within the meaning of
20 section 4211, subdivision (a), of the code.

21 12. Respondent is subject to disciplinary action
22 pursuant to section 2234 of the code in that respondent
23 has been guilty of unprofessional conduct within the meaning
24 of sections 2236 and 2237 of the code in having been convicted of
25 violating drug statutes, and the conviction of the offense is

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1 substantially related to the qualifications, functions or duties
2 of a physician and surgeon. The circumstances are as follows:

3 A. In September and October 1981, respondent
4 prescribed Preludin and Quaalude to various
5 individuals outside the usual course of
6 professional practice and not for a legitimate
7 medical purpose, as follows:

	<u>Date on Rx</u>	<u>Drug</u>	<u>"Patient"</u>
8			
9	(1) 9/24/81	Preludin	J [REDACTED] Q [REDACTED]
10	(2) 9/25/81	"	J [REDACTED] Q [REDACTED]
11	(3) 9/29/81	"	P [REDACTED] R [REDACTED]
12	(4) 9/29/81	"	J [REDACTED] E [REDACTED]
13	(5) 10/9/81	"	D [REDACTED] S [REDACTED]
14	(6) 10/9/81	"	D [REDACTED] P [REDACTED]
15	(7) 10/16/81	Quaalude	S [REDACTED] D [REDACTED]
16	(8) 10/22/81	Preludin	S [REDACTED] J [REDACTED]
17	(9) 10/22/81	"	M [REDACTED] K [REDACTED]
18	(10) 10/22/81	"	K [REDACTED] B [REDACTED]
19	(11) 10/22/81	"	J [REDACTED] M [REDACTED]
20	(12) 10/22/81	Quaalude	N [REDACTED] S [REDACTED]

21 B. As a result of respondent's prescribing
22 practice above, respondent was indicted on eleven
23 counts of violating 21 U.S.C. section 841(a)(1)
24 (distribution of controlled substance). On or
25 about September 8, 1981, respondent pled guilty to
26 and was convicted of violating two counts of
27 21 U.S.C. section 841(a)(1), in the United States

1 District Court for the Central District of
2 California in the case entitled "United States of
3 America v. Irving Orlin," case number CR 82-245. As
4 a result of said conviction, respondent's sentence
5 included the following:

6 (1) imprisonment for one year on one count;

7 (2) imprisonment for five years on the second count,
8 however, execution of this sentence was stayed and respondent
9 was placed on probation for five years on general terms and
10 conditions of probation and ordered to perform not less than
11 150 hours of community service each year of probation; and

12 (3) special parole of 10 years consecutive to the
13 above five year probation sentence.

14 13. Respondent is subject to disciplinary action
15 pursuant to section 2234 of the code in that respondent
16 engaged in unprofessional conduct within the meaning of
17 section 2238 of the code in having violated a federal statute
18 regulating dangerous drugs or controlled substances, as more
19 particularly alleged hereinabove at subparagraphs 12A and
20 12B, which are incorporated herein by reference as though
21 fully set forth hereat.

22 14. Respondent is subject to disciplinary action
23 pursuant to section 2234 of the code in that respondent has
24 engaged in unprofessional conduct within the meaning of
25 section 2242 of the code in having prescribed dangerous drugs

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1 without a good faith prior examination and medical
2 indication therefor. The circumstances are as follows:

3 A. The matters alleged hereinabove at
4 subparagraphs 12A and 12B are incorporated herein by
5 reference as though fully set forth hereat.

6 B. Respondent prescribed the above dangerous
7 drugs without conducting a good faith prior
8 examination of the person for whom the drug was
9 prescribed and without medical indication therefor.

10 C. Respondent issued prescriptions for
11 dangerous drugs for D [REDACTED] S [REDACTED], D [REDACTED] P [REDACTED],
12 S [REDACTED] D [REDACTED], and N [REDACTED] S [REDACTED] without viewing
13 any of their medical records or without even
14 seeing each of them to conduct any examination
15 and to determine any medical indication for the
16 prescriptions.

17 15. Respondent is subject to disciplinary action
18 pursuant to section 2234 of the code in that respondent has
19 engaged in unprofessional conduct within the meaning of
20 section 725 of the code in having engaged in repeated acts
21 of clearly excessive prescribing of drugs, as more
22 particularly alleged hereinabove at subparagraphs 12A,
23 12B, 14B and 14C, which are incorporated herein by reference
24 as though fully set forth hereat.

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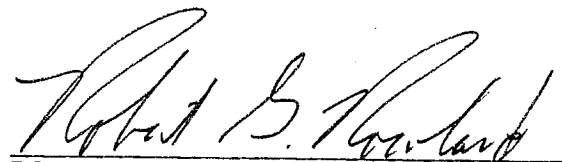
1 WHEREFORE, complainant prays that the division hold
2 a hearing on the matters alleged herein and following said
3 hearing issue a decision:

4 1. Suspending or revoking respondent's physician's
5 and surgeon's certificate; and

6 2. Taking such other and further action as the division
7 deems appropriate.

8 DATED: January 7, 1983

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ROBERT G. ROWLAND
Executive Director
Board of Medical Quality Assurance
State of California

Complainant